

REMARKS**Summary of the Office Action**

Claims 1, 2, 5, 6, 9, 10, 13, 14, and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,975,252 to Suzuki et al. (“Suzuki”) in view of U.S. Patent No. 6,116,384 to Matsumoto et al. (“Matsumoto”).

Claims 3 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki and Matsumoto as applied to claim 1, in further view of U.S. Patent No. 5,562,187 to Tribuzio et al. (“Tribuzio”).

Claims 8 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki and Matsumoto as applied to claim 1, in further view of JP 1-224530 (“JP ‘530”).

Summary of Response to the Office Action

Claims 1-20 are pending with claims 4, 7, 12, 15, 17, and 18 having been withdrawn. Claims 1 and 9 have been amended. Claim 20 has been added.

Rejections to the Claims Under 35 U.S.C. §103(a)

Claims 1, 2, 5, 6, 9, 10, 13, 14, and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki in view of Matsumoto. Applicants respectfully traverse the rejection of the claims as amended.

Claims 1 and 9 have been amended to recite that no projection extends across an interface surface between shims. As clearly shown in Figs. 3 and 6 of Suzuki, guide claw portions 18B and 18C extend across the interface surface between shim plates 17 and 18. As clearly shown in Fig. 6 of Suzuki, the second claws 11b of first shims 11 extend across the interface surface between first shims 11 and second shims 12. Similarly, in Fig. 8 of Suzuki, the second claws 12c of second shims 12 clearly extend across the interface surface between first shims 11 and second shims 12. Thus, neither Suzuki nor Matsumoto disclose or suggest that no projection extends across an interface surface between shims as recited in claims 1 and 9.

Applicants further respectfully assert that there is no motivation to combine Suzuki and Matsumoto. Suzuki discloses that inner shim plate 17 and outer shim plate 18 are disposed on the claw portion 5E of the caliper 5, with shim body 18A of outer shim plate 18 slidable relative

to the shim body 17A of the inner shim plate 17. However, Suzuki is silent with respect to whether shim plates 13 and 14 on the piston side of the caliper 5 are slidable relative to each other. The claws 12a of Matsumoto are used for fixing the shim 13 to the piston 4. Matsumoto is silent about the shim on the side of the claw portion of the caliper.

There is no motivation for a person of ordinary skill in the art to provide Matsumoto's claw 12a used for the side portion of the piston on Suzuki's outer shim plate 18 used for the side of outer claw portions of the caliper 5. In addition, there is no suggestion for providing Matsumoto's claw 12a used for the side of the piston on Suzuki's shim plate 13 used for the piston side of the caliper 5.

For at least these reasons, Applicants respectfully request that the rejection of claims 1, 2, 5, 6, 9, 10, 13, 14, and 19 under 35 U.S.C. §103(a) as being unpatentable over Suzuki in view of Matsumoto be withdrawn.

Claims 3 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki and Matsumoto as applied to claim 1, in further view of Tribuzio. Applicants respectfully assert that claims 3 and 11 are in condition for allowance at least based on their dependence from claims 1 and 9, respectively, and for the additional features recited. Tribuzio includes no disclosure or suggestion that would correct the deficiencies in Suzuki and Matsumoto pointed out above with respect to claims 1 and 9.

Claims 8 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki and Matsumoto as applied to claim 1, in further view of JP '530. Applicants respectfully assert that claims 8 and 16 are in condition at least based on their dependence from claims 1 and 9, respectively, and for the additional features recited. JP '530 includes no disclosure or suggestion that would correct the deficiencies in Suzuki and Matsumoto pointed out above with respect to claims 1 and 9.

Rejoinder

Applicants respectfully request rejoinder of withdrawn claims 4, 7, 12, 15, 17, and 18.

CONCLUSION

In view of the foregoing amendments and remarks, it is believed that all rejections have been overcome and should be withdrawn. Thus all current claims are submitted to be in condition for allowance, early notice of which would be appreciated. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

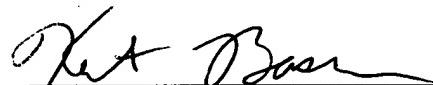
If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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Dated: March 13, 2008

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